



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 12 2014

Mr. Jeffrey Odefey
Director of Stormwater Programs
American Rivers
P.O. Box 114
Tarrytown, New York 10591

Dear Mr. Odefey:

Thank you for your letter of July 10, 2013, transmitting a petition (Petition) to determine whether stormwater discharges from commercial, industrial and institutional sites require National Pollutant Discharge Elimination System (NPDES) permits. The Petition was submitted to the U.S. Environmental Protection Agency, Region III (EPA or Agency) by your organization along with the Conservation Law Foundation, the Natural Resources Defense Council (NRDC) and a coalition of local Waterkeepers and watershed groups (collectively, "the Petitioners").

The Petition raises the concern that certain non de minimus stormwater discharges from the commercial, industrial, and institutional sectors that are currently unregulated under the NPDES program are contributing to exceedances of water quality standards. The Petition further requests that EPA use its Residual Designation Authority under 40 CFR 122.26(a)(9)(i)(D) to require NPDES permit coverage for those discharges pursuant to Section 402(p) of the Clean Water Act.

After a very careful review of the issues raised in the Petition, EPA has decided to deny the Petition for the reasons specified in more detail in the Enclosure. EPA believes that there exists a number of tools and programs in place that address stormwater pollution, such as robust Municipal Separate Storm Sewer System (MS4) permits, local and Chesapeake Bay Total Maximum Daily Load (TMDL) implementation, and strong state stormwater regulations. Furthermore, EPA finds that the data presented with the Petition is not sufficient for the Agency to proceed with the categorical designations and subsequent permitting of additional sources at this time as requested in the Petition.

EPA appreciates the Petitioners continuing stewardship concerning our natural resources. However, for the reasons explained in the Enclosure, EPA has decided not to take the action requested in the Petition at this time. If you have any questions, please contact Mr. Jon Capacasa, Director, Water Protection Division, at (215) 814-5422.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn M. Garvin". The signature is fluid and cursive, with a prominent initial "S" and "M".

Shawn M. Garvin
Regional Administrator

Enclosure

cc: Mr. Gary Belan, Acting Senior Director, American Rivers (w/enclosure)